

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS LEAGUE OF UNITED LATIN §
AMERICAN CITIZENS, NATIONAL §
LEAGUE OF UNITED LATIN AMERICAN §
CITIZENS, LEAGUE OF WOMEN VOTERS §
OF TEXAS, RALPH EDELBACH, and §
BARBARA MASON; §
Plaintiffs, §

v. §

GREG ABBOTT, in his official capacity as §
Governor of Texas, RUTH HUGHS, in her §
official capacity as Texas Secretary of State, §
DANA DEBEAUVOIR, in [her] official §
Capacity as Travis County Clerk, CHRIS §
HOLLINS, in his official capacity as Harris §
County Clerk; JOHN W. OLDHAM, in his §
official capacity as Fort Bend County Elections §
Administrator; LISA RENEE WISE, in her §
official capacity as El Paso County Elections §
Administrator; §

Defendants. §

Civil Case No. 1:20-CV-1006-RP

DECLARATION OF DANA DEBEAUVOIR, TRAVIS COUNTY CLERK,
PURSUANT TO 28 U.S.C. § 1746

My name is Dana DeBeauvoir and I am the duly elected County Clerk for Travis County, Texas. I am over eighteen (18) years of age, of sound mind, have never been convicted of a felony. I am fully competent and duly authorized to make this declaration.

1. I have personal knowledge of the facts stated in this Declaration. I have reviewed the official proclamations from the Texas Governor which are attached to this Declaration, as well as other public records and news reports related to the ongoing COVID-19 pandemic.

2. I have a long history of public service particularly in the area of election administration. I hold a Masters Degree from the LBJ School of Public Affairs and was first elected the Travis County Clerk in 1986. In my role as the Travis County Clerk, I prioritize bringing high ethical standards, effective and cost efficient management practices, the benefits of new technology, and high quality customer service to the office of the County Clerk. This commitment to excellence in government has received nationwide recognition. In 2005, I was honored to receive the national Election Center's Best Practices Award for my work in using risk analysis to implement security measures for electronic voting systems. In 2009, I was named Public Official of the Year by the National Association of County Recorders, Election Officials, and Clerks. That same year, the National Association of Election Officials (Election Center) awarded me the Minute Man Award for developing a security practice that is effective, inexpensive, and easy for election officials to adopt. Travis County is also recognized across the country for its groundbreaking early voting program that is centered on customer-friendly polling locations in high-traffic retail locations.

3. General Election Early Voting Period. Under section 418.016 of the Texas Government Code, the Texas Governor issued a proclamation on July 27, 2020, extending the early voting period for the November 3rd General Election ("Original Proclamation").¹ The Governor extended the early in-person voting period under section 85.001(a) of the Texas Election Code, authorizing early voting to begin October 13, 2020 and run through the fourth day prior to the General Election. In addition, the Original Proclamation permitted voters to deliver a marked mail-in ballot in-person to the Early Voting Clerk's Office during the extended early voting period

¹ A true and correct copy of the July 27, 2020 Proclamation is attached to this declaration as **Exhibit A.**

and on election day, rather than only on election day as set forth in section 86.001(a-1) of the Texas Election Code. As stated in the Original Proclamation, these extensions were made in order to establish procedures for eligible voters to exercise their right to vote in-person during the COVID-19 pandemic and allow election officials to implement health protocols to conduct the General Election safely. This extension was critical and allowed more effective implementation of these protocols, including appropriate social distancing and safe hygiene practices, thereby protecting election workers and voters. At the same time, it ensured the election would proceed efficiently and safely when Texans drop off their ballots or vote in-person whether during early voting or on election day. I prepared my office locations to receive marked mail-in ballots and educated voters on this expansion in reliance on this Original Proclamation. Then, *after* Travis County notified the public about its four drop off locations and *after* having received drop off ballots at these locations, the Governor issued another Proclamation limiting the places a voter could return their marked mail-in ballot to only one location per County on October, 1, 2020.²

4. Voters' Expectations have been Set for Expanded Early Voting and Expanded Options for Delivery of Mail-In Ballots. Altering voting procedures at this late date would cause voter confusion. Voters previously experienced expanded early voting times and procedures during COVID-19. The Governor expanded the period for in-person early voting for the July, 2020 joint primary runoff elections and special election for Senate District 14. The result of that extended early voting was increased efficiency, safety, and security for voters and poll workers in Travis County. Travis County voters now have an expectation that these same procedures and

² A true and correct copy of the October 1, 2020 Proclamation is attached to this declaration as **Exhibit B.**

protections will be in place for the General Election, based on that previous experience and the Governor's Original Proclamation that was issued less than two weeks after the July election.

5. Additionally, multiple news outlets and other groups reported on the Governor's Original Proclamation and on Travis County's implementation of that Original Proclamation shortly after it was issued. This further set voters' expectations when making their plans to vote in-person or by mail during the early voting period rather than on election day. Examples of these reports include the following:

a. The Travis County Clerk's website provided public notices on its Elections page on August 31, 2020, identifying the locations where voters could drop off their mail-in ballots in-person during the extended early voting period. The website was subsequently updated on September 14, 2020, to provide notice of the hours of operations for these drop off locations. A copy of that website page as it appeared between September 14, 2020, and October 1, 2020, is attached hereto as **Exhibit C**.

b. On or about August 26, 2020, the Austin Monitor published an article by Jessi Devenyns entitled, "Travis County plans for drive-thru voting drop-off for mail-in ballots," which described the Travis County Clerk's plans for permitting voters to drop off their mail-in ballots in-person at any of its business office locations. <https://www.austinmonitor.com/stories/2020/08/travis-county-plans-for-drive-thru-voting-drop-off-for-mail-in-ballots/>.

c. On August 27, 2020, the Austin American-Statesman published an article by Ken Herman entitled, "Herman: You'll be able to submit your mail ballot via drive-through in Travis County," which described the Governor's Original Proclamation and Travis County's plans

to implement it. <https://www.statesman.com/news/20200827/herman-yoursquoll-be-able-to-submit-your-mail-ballot-via-drive-through-in-travis-county>.

d. On September 15, 2020, the Austin Monthly magazine published an article by Hunter Bergfeld entitled, “Your Guide to Voting in Travis County,” which described Travis County’s plans to implement the Governor’s Original Proclamation, including links to a number of resources for voters, such as the Travis County Clerk’s website for specific information allowing each voter to prepare an individualized plan for voting safely during the COVID-19 pandemic. <https://www.austinmonthly.com/your-guide-to-voting-in-travis-county/>.

e. On September 17, 2020, Fox 7 Austin published an article by Jennifer Kendall entitled, “Travis County to add unique polling locations for November election,” which provided information about Travis County’s plans for implementing the Governor’s Original Proclamation. <https://www.fox7austin.com/news/travis-county-to-add-unique-polling-locations-for-november-election>.

f. On September 22, 2020, KXAN published an article by Candy Rodriguez entitled, “LIST: Travis County Election Day, early voting polling locations for 2020 presidential election,” which described Travis County’s plans to implement the Governor’s Original Proclamation. <https://www.kxan.com/news/your-local-election-hq/travis-county-looks-to-get-creative-with-polling-locations-for-november-election/>.

g. On September 29, 2020, Community Impact Newspaper published an article by Olivia Aldridge entitled, “Expecting 100,000 mail-in ballots, Travis County expands voting options,” which described Travis County’s plans to implement the Governor’s Original Proclamation. <https://communityimpact.com/austin/central-austin/vote/2020/09/29/expecting-100000-mail-in-ballots-travis-county-expands-voting-options/>.

h. On September 30, 2020, Fox 7 Austin published another article entitled, “Travis County voters can hand deliver personal mail in ballots starting Oct. 1,” which described Travis County’s plans to begin accepting voter’s personal delivery of their mail-in ballots at numerous locations the very next day in accordance with the Governor’s Original Proclamation. <https://www.fox7austin.com/news/travis-county-voters-can-hand-deliver-personal-mail-in-ballots-starting-oct-1>.

6. Mail-In Ballots Have Already Been Received by In-Person Drop Off as of October 1, 2020. The November Election is already underway. Mail-in ballots are already being received. In accordance with the Governor’s Original Proclamation, Travis County accepted mail-in ballots that were dropped off by voters at different locations on October 1, 2020, before his second proclamation was issued. With voting already underway, changing the procedure mid-stream is a disruption of the election process. My office is complying with the Governor’s October 1, 2020, Proclamation and has accepted mail-in ballots at only one location beginning October 2, 2020. As of October 2, 2020, my office has received a total of 716 mail-in ballots by in-person drop off, just on the first days of early voting.

7. Travis County and Other Large Urban Counties Require Expanded Early In-Person Voting and Expanded Drop Off for Mail-in Ballots to Conduct a Safe and Fair General Election. Travis County is the 5th most populous county in Texas. Like most other counties in Texas, Travis County has experienced an increase in registered voters (over 844,000 in Travis County) and a large increase in the number of voters who are seeking to vote by mail rather than in-person. This is particularly true among eligible voters aged 65 and older who are most at risk for experiencing harmful effects from contracting COVID-19, including a high percentage of reported deaths. Permitting voters who are eligible to vote by mail to drop off their ballots in-person during the

early voting period increases efficiency and reduces the number of persons who would otherwise have to vote in-person. This is particularly true in light of news reports that the United States Postal Service has experienced significant delays in delivering mail such as vote-by-mail applications and ballots. To date, our office has received more than 72,000 applications for mail-in ballots for the November 3, 2020 election. In response to the increased number of requests for mail-in ballots, as well as wide-spread concern over the delays in the United States mail, Travis County began making arrangements to accommodate unprecedented utilization of the mail-in ballot and ballot drop off provisions of the Election Code.

8. Ballot Security is Enhanced under the Governor's Original Proclamation. Once removed from the locked ballot drop-off boxes, a mail-in ballot is processed in the same way as mail-in ballot received through the Postal Service, including signature verification to ensure that the person who dropped off the mail-in ballot is an eligible voter. However, in addition to these security protocols, when a voter drops off their mail-in ballot *in-person* rather than mailing it in, the voter must demonstrate they are eligible to vote, sign a roster, and present valid identification to an election official at the time they drop off their ballot. Increasing the number of places and the number of days during which a voter can drop off their mail-in ballot in-person does not reduce any of the security procedures to prevent voter fraud; it enhances security by requiring the voter to show identification at the time they drop off their ballot—a step not required when mailing in a ballot.

9. Benefits of Retaining Expanded Early In-Person Voting and Expanded Drop Off Locations for Mail-In Ballots. There is a significant and very necessary benefit to expanding the number of days for in-person early voting and expanding the number of days and locations for voters to drop off their mail-in ballots in-person. Both measures enhance the safe and efficient

processing of voters and ballots. Both the expansion of early voting and permitting ballot drop off at multiple locations increase voters' opportunities to safely exercise their right to vote. Specifically, by reducing the number of in-person voters waiting in lines and spending time inside polling places on election day, Travis County will be able to minimize election day wait times and delays resulting from long lines at election day polling places. Therefore, there will be fewer persons congregating at in-person polling places and decreased exposure to COVID-19. The drop-off option increases voter safety, convenience, and confidence. Travis County has fewer polling locations throughout the county than it ordinarily would because many of the locations usually used, such as grocery stores and schools, are not available. Spreading out both the early voting period and the locations at which voters can return a mail-in ballot, reduces the number of voters congested in one area on election day. Furthermore, allowing mail-in ballots to be dropped off "in-person at an early voting clerk's office" in more than one location will reduce the risk of traffic congestion, reduce wait times, reduce the health risk to voters, and ensure ballots are received timely. The use of more than one site for drop-off is consistent with current Election Code provisions, and is also consistent with the Attorney General's interpretation of the statute and the Secretary of State's guidance. Multiple locations ease the burden on those most clearly entitled to and mostly likely to need this accommodation – the disabled and the elderly.

10. Due to the unique and historically unprecedented circumstances presented by the ongoing COVID-19 pandemic, including medical advice and concomitant emergency proclamations issued by federal, State, and local government officials that residents must shelter in place, stay at home, and practice social distancing to prevent the rapid spread of COVID-19, I reasonably anticipate that there will be a shortage of poll workers available for the early voting period and on election day. I anticipate the shortage of poll workers because of my experience with

the March 3, 2020 primary elections and the July 14, 2020 primary runoffs and special election, which were conducted in the earlier phases of COVID-19. During those recent elections, I experienced significant issues with staffing. A significant number of poll workers did not report to their assigned polling places without giving notice that they would not appear, resulting in a slower voting process and lengthy wait times for voters. In light of the historically larger number of voters during a presidential general election, I reasonably anticipate this issue to increase to a level that will be very challenging to manage and that will expose waiting voters and poll workers to even greater risk. The Governor's Original Proclamation expanding the period for early voting in-person and the provisions for dropping off mail ballots instead of returning them via the U.S. Post Office offered relief for these anticipated challenges. Even so, finding appropriate polling places and appropriate levels of staffing was difficult due to the challenges of conducting such a large election in a pandemic. The polling places and staffing levels we have in place were based on the rules that existed when we were required to make those decisions, make the necessary contractual arrangements, seek commissioners court approval, and publish notices. That time has passed. I fear the increased number of interactions at in-person polling places, which require more time and will result in longer wait times for voters, will make both election workers and voters less safe.

11. In my opinion, based on my 33 years of experience in running elections, failing to provide for additional days of early voting and increased days and locations for voters to drop off their mail-in ballots in-person will: (1) confuse the voters as to where they may drop off their mail-in ballot, and cause voters to have difficulty locating the ballot drop off, especially since procedures adopted for mail ballot drop off were well publicized and already underway when the Governor issued the latest Proclamation, (2) increase the number of election workers, employees, and poll workers necessary to conduct the General Election on election day thereby increasing the

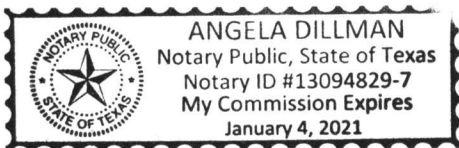
amount of people in one indoor space, (3) increase the exposure of voters to potentially infected individuals due to increased wait times caused by staffing difficulties and requiring all in-person mail-in ballot returns to only one location, and (4) cause significant disruption not only to voters trying to exercise their right to vote, but to the ordinary course of business, traffic, and the other functions of my office not related to elections.

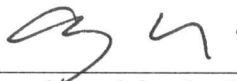
12. In my opinion, changes made after the election has begun as to when and where a person can vote in-person or drop off their mail-in ballots threatens my ability to conduct a safe and fair General Election. This is true especially considering the risks to public health and safety of voters and poll workers, the reduction in the number of poll workers willing to risk their health and the health of others, and the difficulty in finding sufficient polling locations. The voters, the election workers, and the community as a whole greatly benefit from both the extended early voting period and the ability to drop off mail ballots at more than one location. Neither risks ballot security because in both situations, each voter is required to undergo careful and particular verification measures required under the statute.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 5, 2020.


Dana DeBeauvoir, Travis County Clerk

SWORN to and SUBSCRIBED before me on October 5, 2020.




Notary in and for the State of Texas
My Commission expires: 1/4/2021